e.8.1001 SINGLE BENCH (1) 3

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 1234 /2006

PETITIONER : Vijay Kant Singh Son of Late Shri Ramjanam Singh, aged about 72 years, Occupation Agriculturist, Resident of Kedarpur, Ambikapur, District Surguja (C.G.).

P.R. No. 1301/06
Presented by Shri P.K.Kashyap
dated 4/3/06

VERSUS

RESPONDENTS :

1. The District Co-operative Land Development Bank, Through: Its General Manager, Ambikapur, District Surguja (C.G.).

RECEIVED-COPY 8/3/06 CLERK TO A. G. BILASPUR

2. The Co-operative Land Development Bank, Through: Its Branch Manager, Rajpur, District Surguja (C.G.).

3. The Assistant Registrar, Co-operative Societies, Ambikapur, District Surguja (C.G.).

4. The Joint Registrar, Co-operative Societies, Raipur (C.G.).

5. The Collector, Ambikapur, District Surguja (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND/OR A SUITABLE DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER

(67)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 1234/2006 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	09.03.2006 Shri V.K. Pandey, counsel for the petitioner. Shri Utkarsh Verma, Dy. Govt. Advocate for the State on advance copy. Heard on admission. This is a petition filed under Article 226/227 of the Constitution of India against the notice of auction of the mortgage property by Zila Shahkari Krishi Aur Gramin Vikas Bank Maryadit, Ambikapur. Learned counsel for the petitioner submits that some loan was taken by the petitioner and on account of repayment the dispute was filed by him before the Asstt. Registrar vide case No. 13/96-97 and in the said dispute an order was passed on 02.07.1998. Against this order respondent had filed an appeal before the Joint Registrar vide appeal No. 49/98 and the counter appeal was filed by the petitioner. The same were decided on 22.5.2003. Thereafter the petitioner has filed the writ petition before this Court vide W.P. No. 2292/2003. He submits that the notice has been issued in this petition. His further submission is that without waiting for decision of writ petition, now the authority has started the process of auction which is not in accordance with law. In view of this fact, that W.P. No. 2292/2003 is already pending before this Court and the petitioner has a liberty to move an interim application for grant of appropriate relief in the	

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(68)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.1234/2006 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	said petition pertaining to issuance of notice against him, I am not inclined to entertain the subsequent writ petition No. 1234/2006 because the issuance of notice for auction in pursuance of the earlier order which is under challenge, is not a separate case of auction. The petition has no merits and the same is summarily dismissed. However, a liberty is granted to the petitioner to file appropriate application in the pending case (W.P. No. 2292/2003) for the appropriate relief including main and interim relief(s) as claimed in the present writ petition. Sd/- Sunil Kumar Sinha Judge	

vathi